

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3504 SOUTH FIRST STREET FROM FAMILY RESIDENCE (SF-3) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-06-0194, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.847 acre tract of land, more or less, out of Lot 2, Block 2, Freewater Addition, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 3504 South First Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

B. Development of the Property may not exceed a height of 40 feet from grade level.

C. The following uses are prohibited uses of the Property:

Adult-oriented businesses	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any kind)	Bail bond services
Commercial blood plasma center	Convenience storage
Pawn shop services	Vehicle storage

1  
2  
3 Except as specifically restricted under this ordinance, the Property may be developed and  
4 used in accordance with the regulations established for the general commercial services  
5 (CS) base district and other applicable requirements of the City Code.  
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7 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2007.  
8  
9

10 **PASSED AND APPROVED**

11  
12 §  
13 §  
14 \_\_\_\_\_, 2007 § \_\_\_\_\_  
15 Will Wynn  
16 Mayor  
17

18  
19 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
20 David Allan Smith Shirley A. Gentry  
21 City Attorney City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 0.847 OF AN ACRE TRACT OF LAND OUT OF LOT TWO (2), BLOCK "2", OF THE FREEWATER ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DEPICTED IN THE INSTRUMENT RECORDED IN VOLUME 2, PAGE 235, OF THE PLAT RECORDS OF SAID COUNTY, CONSISTING OF TWO (2) TRACTS: TRACT ONE (1) BEING THE SAME PROPERTY CONVEYED BY CHARLES S. HARRISON ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., AS DESCRIBED BY THE INSTRUMENT RECORDED IN VOLUME 683, PAGE 328, OF THE DEED RECORDS OF SAID COUNTY, AND BY J.W. PITMAN ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., AS DESCRIBED BY THE INSTRUMENT RECORDED IN VOLUME 1359, PAGE 443, OF THE DEED RECORDS OF SAID COUNTY, AND TRACT TWO (2) BEING THAT SAME TRACT OF LAND CONVEYED BY CHARLES S. HARRISON ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., BY THE INSTRUMENT RECORDED IN VOLUME 714, PAGE 258, OF THE DEED RECORDS OF SAID COUNTY, SAID 0.847 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch rebar found in the West line of South First Street, same being the southeast corner of a tract of land for Mercury Hall, Inc., as described by the instrument recorded in Volume 13108, Page 1013, of the Real Property Records of Travis County, for the northeast corner of the aforementioned Tract 2, and the northeast corner hereof;

THENCE, South 30°06'30" West, with said right of way, a distance of 90.17 feet to an "X" mark found inscribed on a concrete footer, for the northeast corner of a tract of land for Alori Properties 3508 South 1<sup>st</sup> Street, Ltd. & 213 West Fourth Street Partners, as described by the document recorded as Document No. 2001143503, in the Official Public Records of Travis County, for the southeast corner of the aforementioned Tract 1, and the southeast corner hereof;

THENCE, North 59°44'14" West, with the northerly line of the aforementioned Alori Properties tract, for a distance of 409.31 feet to a 1/2 inch rebar found in the easterly line of the Amended Plat of the Gamez Subdivision, as depicted by the instrument recorded in Book 82, Page 227, of the Plat Records of Travis County, for the northwest corner of said Alori Properties tract, the southwest corner of Tract 1, and the southwest corner hereof;

THENCE, North 29°49'58" East, with the easterly line of the aforementioned Gamez Subdivision, a distance of 90.08 feet to a nail found in concrete for the southwest corner of the aforementioned Mercury Hall tract, same being the northwest corner of Tract 2, and the northwest corner hereof;

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I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

P. MACHADO

THENCE, South 59°45'00" East (Bearing Basis), with the southerly line of the said Mercury Hall tract a distance of 409.74 feet to the PLACE OF BEGINNING, and containing a calculated area of 0.847 acres of land;

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANYING SURVEY PLAT ONLY.

  
Victor M. Garza R.P.L.S. 4740

1-19-05  
Date

B & G Surveying, Inc.  
1404 W. North Loop Blvd.  
Austin, Texas  
75756  
(512)-458-6969

Job#: B0312704\_TA



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**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2006 Apr 01 03:31 PM 2005055957

KNOWLES \$22.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

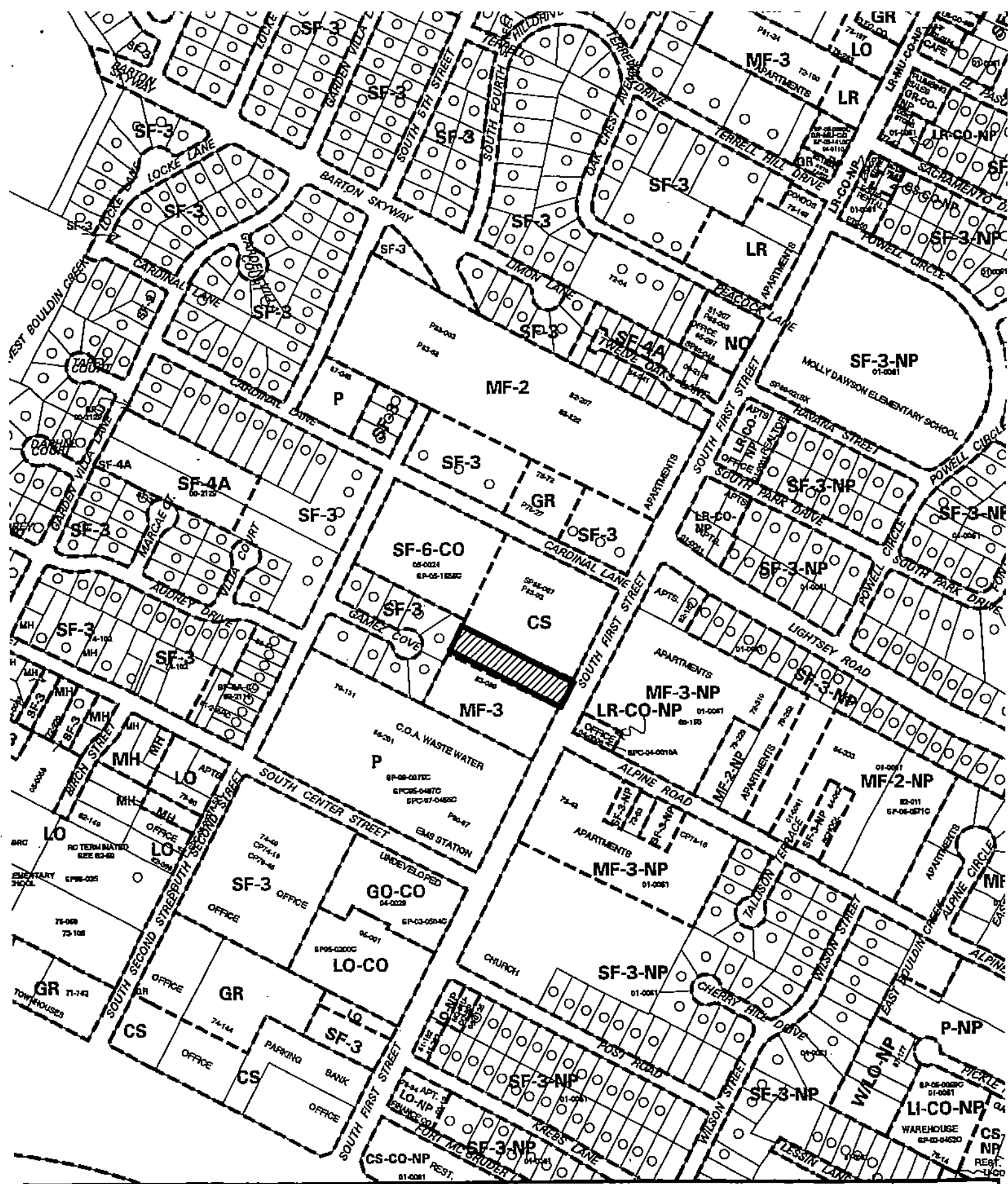
I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

  
**P. MACHADO**



 1" = 400'	SUBJECT TRACT	  	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER H19
	PENDING CASE		CASE #: C14-06-0194	DATE: 06-11	
	ZONING BOUNDARY		ADDRESS: 3504 S 1ST ST	INTLS: SM	
	CASE MGR: R. HEIL		SUBJECT AREA (acres): 0.842		